Supreme Court, U.S.
FILED
95-753 NOV 9 - 1995
OFFICE OF THE CLERK

No. _____

In the
SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1995

Leland Russell, et al.,
Petitioners,

v.

Sherry Ann Hiltz,
Respondent.

On Appeal to the United States Court of Appeals
For the Ninth Circuit

SUPPLEMENTAL APPENDIX TO PETITION FOR WRIT OF CERTIORARI

Counsel for Petitioners
Daniel R. Shinoff
Jack M. Sleeth, Jr.
Stutz, Gallagher, Artiano,
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(619) 232-3122

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1995

LELAND RUSSELL, ET AL.,
Petitioners

v.

SHERRY ANN HILTZ,
Respondent.

CERTIFICATE OF SERVICE

I, Daniel R. Shinoff, a member of the bar of this Court, hereby certify that on the 10th day of November, 1995, three (3) copies of the Supplemental Appendix to Petition for Writ of Certiorari in the above-entitled case were mailed, first-class postage prepaid, to:

Thomas R. Gill
Law Offices of Thomas R. Gill
10455 Sorrento Valley Road
Suite 203
San Diego, California 92121

counsel for the respondent herein. Further, I certify that a copy of the Supplemental Appendix to Petition for Writ of Certiorari in the above-entitled case was mailed, first-class postage prepaid, to:

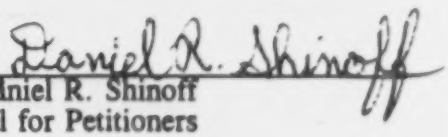
U.S. District Court
The Honorable Rudi M. Brewster
940 Front Street
San Diego, CA 92101

and three (3) copies were sent to the United States Court of Appeals for the Ninth District for Justices Gibson, Hug and Poole, as follows:

The Honorable Gibson
The Honorable Hug
The Honorable Poole
United States Court of Appeals
For the Ninth District
121 Spear Street, 2nd Floor
San Francisco, California 94105

DATED: This 10th day of November, 1995.

STUTZ, GALLAGHER, ARTIANO,
SHINOFF & HOLTZ

By: 
Daniel R. Shinoff
Counsel for Petitioners

APPENDIX E

AO 450 (Rev. 5/85) Judgment in a Civil Case o

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

Sherry Lynn Hiltz,

v.

Leland R. Russell; Carol Rodriguez; Miracosta Community College District

JUDGMENT IN A CIVIL CASE

FILED
DON HENDRIX, CLERK
MAY 10 1993
U.S. DISTRICT COURT
SOUTHERN DISTRICT
OF CALIFORNIA

CASE NUMBER: 92-1778-B(CM)

Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

XX **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that defendants' motion to dismiss is hereby granted with prejudice .....

ENTERED ON May 10 1993

5/10/93
Date

DON HENDRIX
Clerk

5/10/93

CRYSTAL HUDISH
(By) Deputy Clerk

SEAL

APPENDIX F

FILED
DON HENDRIX, CLERK
MAY 5 1993
U.S. DISTRICT COURT
SOUTHERN DISTRICT
OF CALIFORNIA

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

SHERRY LYNN HILTZ, Plaintiff, v. LELAND R. RUSSELL, in individual and official official capacities; CAROL RODRIGUEZ, in both her individual and official capacities; MIRACOSTA COMMUNITY COLLEGE DISTRICT, Defendants.	Civil No. 92-1778-B ORDER GRANTING DEFENDANTS' MOTION TO DISMISS WITH PREJUDICE

On May 3, 1993, the above captioned matter came on regularly for hearing before the Honorable Rudi M. Brewster. Thomas R. Gill, Esq., appeared on behalf of plaintiff; Susan L. Mason, Esq., appeared on behalf of defendants. The court has considered defendants' motion to dismiss, the papers filed in opposition and reply, and the oral argument presented at the hearing.

The court finds that principles of res judicata as developed by the Ninth Circuit in Takahashi v. Board of Trustees of Livingston Union School District, 783 F.2d 848 (9th Cir. 1986),

establish that plaintiff's claim is barred by res judicata.

Therefore, defendants' motion to dismiss is hereby granted with prejudice.

IT IS SO ORDERED.

DATED: MAY 5 1993

/s/ RUDI M. BREWSTER
UNITED STATES DISTRICT JUDGE

Copies to:

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Hiltz v. Russell, et al., Civil No. 92-1778-B